

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PAUL CAREY,

Plaintiff,

v.

NATION POINT LOAN SERVICES, HOME  
LOAN SERVICES, AND TROTT & TROTT,  
P.C.,

Defendants.

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Case No. 09-13003

Honorable John Corbett O'Meara

**ORDER GRANTING TROTT & TROTT'S MOTION TO SET ASIDE DEFAULT**

This matter came before the court on defendant Trott & Trott's motion to set aside entry of default. Plaintiff Paul Carey filed a response entitled "Statement of Facts." No oral argument was heard. LR 7.1(e)(2)(E.D. Mich. Dec. 1, 2005).

Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, a court may set aside an entry of default "for good cause shown." The court has broad discretion in determining what constitutes "good cause" and whether it should set aside the default entry. Golden v. National Finance Adjusters, 555 F. Supp. 42, 44 (E.D. Mich. 1982).

In this case, Plaintiff failed to execute proper service of process. A document was delivered to Trott & Trott's Farmington Hills, Michigan office; however, the document failed to include a summons or any contact information for the plaintiff. Furthermore, the document was delivered to Brian Yoho, who is not an officer of, managing or general agent for, or agent authorized to receive process for Trott & Trott, P.C. A defendant is not required to appear or defend an action absent

proper service of both a summons and a complaint. Therefore, there exists good cause for this court to set aside the entry of default.

**ORDER**

It is hereby **ORDERED** that defendant Trott & Trott's motion to set aside entry of default is **GRANTED**.

s/John Corbett O'Meara  
United States District Judge

Date: March 23, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 23, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager